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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,977	11/21/2003	Stephane Moreau	WS3.12-0002	1748
27367 7590 11/24/2008 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3244				
EXAMINER				
REDMAN, JERRY E				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
11/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/719,977

**Applicant(s)**

MOREAU, STEPHANE

**Examiner**

Jerry Redman

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

A new non-final action is herein attached below.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the panel "not contacting" the seal in the open position recited throughout claims 1-33 and 35-36, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-33 and 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 2-3, the phraseology "movable glass panel arranged to slide at least partially on an inside of the body shell between a sealing position and at least one open position" is not readily understood by the Examiner. Is the sealing position the "closed position" of the window glass panel? Does the panel not touch any seals when the panel is not closed? In claim 1, line 4, the phraseology "the door comprises at least one strut bearing a watertight joint" is not readily understood by the Examiner. Exactly what is meant by "watertight joint"? In claim 1, line 6, the phraseology "the at least one strut bears at least one guide track" is not readily understood by the Examiner. Does that applicant mean that the strut has a guide track? In claim 1, line 12, the phraseology "panel does not lean against the watertight joint" is not readily understood. Exactly what does the applicant mean? In claim 1, lines 13-14, the phraseology "so that the movable glass panel slides without damaging the watertight joint" In claim 1, lines 16-17, the phraseology "to press against the watertight joint in the sealing position" is not readily understood by the Examiner. Specifically, what is "the watertight joint" and "sealing position"? In claim 3, lines 1-2, what is meant by "the at least one strut bears at least two guide tracks"? Does the applicant mean that the strut comprises two guide tracks? In claim 4, lines 1-2, the phraseology "the at least one strut enters into the body shell" is not readily understood by the Examiner. Specifically, what is meant by the "strut enters into the body shell"? Does the applicant mean that the strut is mounted within the door/body shell? In claim

5, line 3, what is meant by "the sealing position"? Is this the closed position? In claim 7, line 2, is the "guide rail" different or the same as the "guide track" recited in claim 1? In claim 8, line 2, it appears that "at least one of the shoes" should be—the at least one shoe—. In claim 10, line 2, is "a single rail" the same or different than the "guide track" recited in claim 1? In claim 10, lines 1-2, how can the motorized means be mounted "into" a single rail? In claim 11, line 3, is the "sealing position" the closed position of the glass pane? In claim 12, lines 1-3, the phraseology is not readily understood by the Examiner. Does the wiper blade both guide the glass panel AND move across the glass panel? How does the wiper blade "move" across the glass panel when the glass panel is not moving, i.e., in the "sealing position"? In claim 14, line 3, does the applicant mean a --rolled position—instead of a "folded position"? In claims 15 and 16, specifically, what is meant by "burglarproof means"? What is the "lock" and how does the "lock" work per se? Is the window glass not guided/locked in all positions? In claim 17, lines 1-2, how can the lock "be arranged to slot into a part"? In claim 17, line 2, is there more than one "strut(s)" and how many are recited in claim 1? In claim 19, line 2, it appears that "operate" should be --cooperates—. In claim 20, line 2, how can a screw act on a sealing position? In claim 21, lines 1-2, how can a strut be an extrusion? In claim 22, lines 1-4, is the applicant claiming a unit or a kit? In claim 22, lines 3-4, the phraseology "sealing position and at least one open position" is not readily understood by the Examiner. Is the sealing position the "closed position" of the window glass panel? Does the panel not touch any seals when the panel is not closed? Exactly what is meant by "watertight joint" recited throughout claims 22-33 and 35-36? In claim

22, line 5, the phraseology "the at least one strut bears at least one guide track" is not readily understood by the Examiner. Does that applicant mean that the strut has a guide track? In claim 22, lines 12-13, the phraseology "panel does not lean against the watertight joint" is not readily understood. Exactly what does the applicant mean? In claim 22, line 14, the phraseology "so that the movable glass panel slides without damaging the watertight joint" In claim 22, lines 16-17, the phraseology "to press against the watertight joint in the sealing position" is not readily understood by the Examiner. Specifically, what is "the watertight joint" and "sealing position"? In claim 33, lines 2-3, the phraseology "movable glass panel arranged to slide at least partially on an inside of the body shell between a sealing position and at least one open position" is not readily understood by the Examiner. Is the sealing position the "closed position" of the window glass panel? Does the panel not touch any seals when the panel is not closed? In claim 33, line 4, the phraseology "the door comprises at least one strut bearing a watertight joint" is not readily understood by the Examiner. Exactly what is meant by "watertight joint"? In claim 33, line 6, the phraseology "the at least one strut bears at least one guide track" is not readily understood by the Examiner. Does that applicant mean that the strut has a guide track? In claim 33, line 12, the phraseology "panel does not lean against the watertight joint" is not readily understood. Exactly what does the applicant mean? In claim 33, lines 13, the phraseology "so that the movable glass panel slides without damaging the watertight joint" In claim 33, lines 15-16, the phraseology "to press against the watertight joint in the sealing position" is not readily understood by the Examiner. Specifically, what is "the watertight joint" and "sealing

position"? In claim 35, lines 1-2, how can the moans of driving be mounted "into" a single rail? In claim 35, line 3, are there more than one "strut(s)"? If so, has the applicant positively set forth more than one strut?

Depending on the applicant's amendments, claims 1-33 and 35-36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is 571-272-6835. The examiner can normally be reached on M-TH from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Mitchell, can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Primary Examiner  
Art Unit 3634

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